



Adopted Siblings over 16 years of age



Public Law 106-139
December 7, 1999

Adopted Siblings

- ✧ **The law amends the INA to provide that an adopted alien child who is less than 18 years of age may be considered a child for purposes of adoption under the INA if adopted with or after a sibling who is a child under the Act.**
- ✧ **The older adopted sibling has been or will be adopted by the same adoptive parent or prospective adoptive parents.**

Two Definitions

- ✧ **The new law expands the two definitions of**
- ✧ **an “adopted child” under section 101(b)(1)(E) of the Act,**
- ✧ **an “orphan” under section 101(b)(1)(F).**

Who is an Adopted Child?

- ✧ **Section 101 (b)(1)(E) defines a “child” as including “a child adopted while under the age of sixteen years if the child has been in the legal custody of and has resided with, the adopting parent or parents for at least two years.”**
- ✧ **The law is amended to include a sibling if the sibling meets the definition of child under paragraph (E) except that the child is under the age of eighteen.**

Who is an Orphan Child?

- ✧ **Section 101(b)(1)(F) defines an adopted alien child as:**
- ✧ **a “child under the age of sixteen at the time a petition is filed in his behalf to accord a classification as an immediate relative under section 201(b), who meets the definition of orphan under the Act.”**

Who is an Orphan Child?

- ✧ **The Act amends this definition to include**
- ✧ **the natural sibling of a previously adopted child, when the sibling has been adopted abroad or is coming to the United States for adoption by the same USC parent (s) or prospective parent(s),**
- ✧ **if the child is under the age of 18 when the petition to accord a classification as an immediate relative under section 201 (b) of the Act is filed on his or her behalf.**

Who is a Natural Sibling?

- ✧ **Natural siblings are stepsiblings if the step relationship occurred before the age of 18, half-siblings, and even adopted siblings if the relationship has been severed with the natural parents.**

Where does the definition change the Act?

- * The changes in the definition of child in section 101(c)(1) causes the meaning of the word “child” to be changed in every instance where the word “child” appears in Title III of the Act.**
- * Therefore, the meaning of “child” is changed in sections 320, 321, 322(a)(4) and 337, but the law has not amended these sections. So, if a child turns eighteen after the petition has been filed, the adopted sibling must file his or her own petition for naturalization.**

Thank You!

